

FILED

DEC 14 2016

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA

In re: : Case No.: 11-26720-GLT
: Chapter: 13
Matthew C Allison :
Jill K. Allison :
: Date: 12/14/2016
Debtor(s). : Time: 09:00

PROCEEDING MEMO

MATTER: #314 - Objection to the Notice of Mortgage Payment Change of
Ditech Financial, LLC (Claim #23)
#324 - Response by Ditech Financial

APPEARANCES:

Debtors: No Appearance
Trustee: Jana Pail
Ditech: James Prostko

NOTES:

Pail - Pending motion to dismiss with a hearing set for December 21. 61 months have elapsed. Cannot determine plan completion because of an issue with the notice of mortgage payment change.

Prostko - Proof of claim was originally filed by Citi and was untimely. Debtors originally objected to the proof of claim. Debtors did not wish to pay escrow advances through the plan. Original notice of mortgage payment change filed in February 2016 sought to recoup the escrow advances during the case. That notice was withdrawn. The second notice of mortgage payment change filed in April 2016 was correct. The most recent notice seeks to recoup the escrow advances in the 36 months after plan completion.

Pail - The trustee did not have authorization to implement the April notice of mortgage payment change. No declaration or objection.

Court - Does not have the authority to act with respect to the Notice of Mortgage Payment Change because it becomes effective after completion of the plan.

OUTCOME:

1. Order to be issued overruling Objection to Notice of Mortgage Payment Change. (Text Order to issue).

DATED: 12/14/2016